IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Writ Petition No. 407 of 2007 (M/S)

Smt. Manjulika Sharma W/O Sri Satyendar Kumar, R/O Village Raipur, Near Shiv Mandir, Dehradun through her duly appointed attorney Sri Satyendar Kumar S/O Late Shri Kabool Chand R/O Village Raipur, Near Shiv Mandir, Dehradun, vide attorney deed dated 06-10-2003..

.....… Petitioner.

Versus

1. Civil Judge (Junior Division) Dehradun.
3. Shri Brij Mohan Unniyal, S/O not known Resident of Raipur Ranjhawala via Dhang, Near Primary School, Dehradun.

…..Respondents.

Sri Jitendra Chaudhary, learned counsel for the petitioner.
Sri Gopal Narain Srivastava, Brief Holder of the State, learned counsel for the respondent No.1-State.

Dated May 11, 2007.

Hon'ble B.S.Verma, J.

The only prayer made in this writ petition is that the Civil Judge (Junior Division) Dehradun be directed to decide the Original Suit No. 259 of 2003, Smt. Manjulika Sharma Vs. Shri Brij Mohan Unniyal expeditiously, with the allegation that the petitioner-plaintiff filed the suit for a decree of permanent injunction against the respondent no.2 in the year 2003 claiming himself Bhumidhar of land of Khasra No. 600 area 0.10 acre situated in village Raipur, Pargana Parwadoon, District Dehradun, which was purchased by him through registered sale deed dated 3-5-1985. It is alleged that the defendant-respondent with an intention to grab the land of the plaintiff opened a gate towards the land of the plaintiff thereby encroached the land of the petitioner. The defendant-respondent filed his written statement as far back as 16-4-2004, but thereafter, the defendant has been seeking frequent adjournments to prolong the litigation. It has been alleged that the trial court vide order dated 27-4-2004 ordered that the application

for temporary injunction (6-C) shall be decided at the time of final hearing of the suit, therefore, the defendant is no interested in speedy decision of the suit.

The suit filed by the petitioner against the respondent no.2 is pending before the trial court since the year 2003, therefore, in the facts and circumstances of the case, the ends of justice will be subserved if the trial court is directed to decide the suit pending between the parties on merits, expeditiously, as far as possible.

The Civil Judge (Junior Division) Dehradun is directed to decide the Original Suit No. 259 of 2003, Smt. Manjulika Sharma Vs. Shri Brij Mohan Uniyal on merits pending in that court expeditiously as far as possible.

With the above direction, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S.Verma, J.)

RCP